

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15747 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

DEVRAJ MAGANLAL MATANG

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 15747 of 2004
MR AJ SHASTRI for Petitioner No. 1
MR SP HASURKAR, AGP for Respondent No. 1-3
-

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 28/04/2005

ORAL JUDGEMENT

In the present petition, the petitioner has challenged the order dated 30th January 2004 passed by the Accounts Officer of the Pension and Provident Fund

Commissioner. The grievance of the petitioner is that certain period of the services rendered by him as a teacher including the training period is not being considered for the purpose of pension. The case of the petitioner came to be turned down by the impugned order. Learned counsel for the petitioner Shri Shastri places on record certain resolutions issued by the Government which would according to him, govern the present situation. It is his case that the authorities have taken a decision with respect to the request of the petitioner without taking into account the resolutions of the Government. He submits that the entire issue is required to be reconsidered and if the petitioner is given an opportunity to explain his case in person, he will be in a position to convince the authorities that the entire period should be included for the purpose of giving pension to him.

2. Considering the submissions made, I find it appropriate that the entire issue be reconsidered by respondent No.2 herein. For the above purpose, the impugned order dated 30th January 2004 is set aside. The petitioner shall make a representation to respondent No.2 within a period of two weeks from today along with the circulars which the petitioner seeks to place reliance upon. Such a representation shall be disposed of by respondent No.2 within a period of two months from the date of receipt of the same. In the special facts of the case, in the present case, respondent No.2 shall grant personal hearing to the petitioner.

3. With these directions, the petition is disposed of. Rule is made absolute accordingly with no order as to costs.

(Akil Kureshi, J.)
(vjn)